

MEMO

DATE: October 7, 2004

TO: Administration Committee & Regional Council

FROM: Arnold San Miguel, Government Affairs
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SUBJECT: Discussion of Agreement between SCAG & Tribal Governments

RECOMMENDATION: Continue to work on an agreement between SCAG and the Tribal Governments in the region.

BACKGROUND:

SCAG has been working to enhance the role of Tribal Governments in the regional transportation planning process. In the past year, SCAG organized four Summits to facilitate the development of an agreement on how SCAG and the Tribal Governments will participate and communicate together in the region.

At the June 30, 2004 Summit SCAG received a request to provide language framing an agreement. Draft language was prepared based upon both our summit meetings with the Tribal Governments and recommendations from SCAG's consultant, Mr. Joe Myers, Executive Director of the National Indian Justice Center. This language was presented at the September 9, 2004 SCAG Summit.

Tribal representatives at the September 9th Summit indicated that the Indian Tribes would meet amongst themselves to respond to the language presented by SCAG. In addition, a number of recommendations were requested be included in the language presented by SCAG (attached is the draft language that reflects revisions requested at the Summit.

FISCAL INPACT:

All work related to adopting the recommended staff action is contained within the adopted FY 04/05 budget and does not require the allocation of any additional financial resources. The execution of this agreement could result in the need for additional financial resources in the future. 

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SOUTHERN CALIFORNIA
ASSOCIATION of GOVERNMENTS

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Revised Draft of September 13, 2004

Native American Planning and Management Council ("Council")

The Southern California Association of Governments (SCAG) has been meeting with representatives of the 16 federally recognized Indian Nations within the SCAG region. The purpose of these meetings have been to encourage discussions between SCAG and the Indian Nations to better understand how each can assist the other in addressing concerns regarding transportation and related planning matters. Moreover, the appropriate involvement of Indian Tribal governments in transportation planning and programs is required by 23 Code of Federal Regulations section 450.312(i)

As a result of and in furtherance of those discussions, SCAG presents the following underlying assumptions and conceptual framework for consideration by the Indian Nations.

ASSUMPTIONS:

SCAG recognizes that each of the 16 Native American Nations is an individual sovereign and nothing is intended in this framework to adversely impact that individual sovereignty. SCAG recognizes that each Native American Nation's relationship to SCAG is separate and is not bound by any other Native American Nation's relationship to SCAG.

SCAG recognizes the importance of consultation with Native Americans Governments and its explicit consultation obligations as required by law. This proposal does not substitute for that consultation requirement, but is consistent and in furtherance of SCAG's efforts to out reach to the Native American Tribes within its region.

CONCEPTUAL FRAMEWORK:

SCAG supports the creation of a Native American Management and Planning Council ("Council") or an equivalent entity which would:

1. Be created by the tribal nations
2. Be formed by two or more tribal nations within the SCAG region
3. Be composed of elected tribal representatives
4. Be a forum for the nations to discuss and address tribal nation concerns regarding transportation and related planning issues
5. Coordinate with the SCAG Regional Council on transportation and other planning issues

To facilitate communications an elected tribal representative from the Council would be provided voting status on the SCAG Regional Council, with the right to participate on SCAG's Policy Committees and the Administration Committee.

To further facilitate communications, the Council would have the opportunity to have 5 elected tribal representatives in addition to its Regional Council member serve on SCAG policy committees with the right to vote. Two tribal representatives would serve on each SCAG policy committee.

SCAG would work in partnership with the Council, to develop within the context of SCAG's overall work program, an allocation of resources to support the Council.

SCAG will seek to enter into Memorandums of Understanding with each of the 16 Native American Nations within the SCAG region which would:

1. Encourage the individual tribal nations to recognize and participate in the Council
2. Provide assurances that participation in the Council would not diminish the sovereign status of each individual tribal nation. Thus for example, each tribal nation reserves its right to separately address and pursue any or all issues upon which the Council has deliberated. A communication procedure enabling each individual tribal nation to present its views to the Regional Council will be developed.
3. Provide the opportunity for tribal members and/or tribal nation staff to participate in SCAG Task Forces and Technical Task Forces.
4. Provide for individual consultation with each signatory nation
5. Provide a fee structure which is consistent with that afforded to other members of the SCAG Regional Council and participants in its policy committees.